

REFERENCE TITLE: lifetime probation; early termination prohibited

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1261**

Introduced by  
Senator Huppenthal; Representatives Barnes: Burges, Groe

AN ACT

AMENDING SECTION 13-902, ARIZONA REVISED STATUTES; RELATING TO PROBATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-902, Arizona Revised Statutes, is amended to  
3 read:

4           13-902. Periods of probation

5       A. Unless terminated sooner, probation may continue for the following  
6 periods:

- 7           1. For a class 2 felony, seven years.
- 8           2. For a class 3 felony, five years.
- 9           3. For a class 4 felony, four years.
- 10          4. For a class 5 or 6 felony, three years.
- 11          5. For a class 1 misdemeanor, three years.
- 12          6. For a class 2 misdemeanor, two years.
- 13          7. For a class 3 misdemeanor, one year.

14       B. Notwithstanding subsection A of this section, unless terminated  
15 sooner, probation may continue for the following periods:

- 16           1. For a violation of section 28-1381 or 28-1382, five years.
- 17           2. For a violation of section 28-1383, ten years.

18       C. When the court has required, as a condition of probation, that the  
19 defendant make restitution for any economic loss related to the defendant's  
20 offense and that condition has not been satisfied, the court at any time  
21 before the termination or expiration of probation may extend the period  
22 within the following limits:

- 23           1. For a felony, not more than three years.
- 24           2. For a misdemeanor, not more than one year.

25       D. Notwithstanding any other provision of law, justice courts and  
26 municipal courts may impose the probation periods specified in subsection A,  
27 paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

28       E. After conviction of a felony offense or an attempt to commit any  
29 offense that is included in chapter 14 or 35.1 of this title or section  
30 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may  
31 continue for a term **OF** not less than the term that is specified in subsection  
32 A of this section up to and including life and that the court believes is  
33 appropriate for the ends of justice.

34       F. After conviction of a violation of section 13-3824, subsection A,  
35 if a term of probation is imposed and the offense for which the person was  
36 required to register was a felony, probation may continue for a term **OF** not  
37 less than the term that is specified in subsection A of this section up to  
38 and including life and that the court believes is appropriate for the ends of  
39 justice.

40       **G. NOTWITHSTANDING SECTION 13-901, SUBSECTION E, IF A DEFENDANT IS  
41 CONVICTED OF A CLASS 2, 3, 4 OR 5 FELONY AND IS PLACED ON PROBATION PURSUANT  
42 TO SUBSECTION E OR F OF THIS SECTION, THE COURT SHALL NOT MODIFY OR TERMINATE  
43 THE PERIOD OF PROBATION OR DISCHARGE THE DEFENDANT AT A TIME EARLIER THAN  
44 THAT ORIGINALLY IMPOSED.**